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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO.     |
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| 09/786,263  | 07/12/2001  | Andrew H. Mather     | 2010358                | 6280                 |
| 7590  | 10/06/2003  |                      | EXAMINER<br>[REDACTED] | HO, THOMAS Y         |
| Herbert H Finn<br>Law Offices Of Dick & Harris<br>181 West Madison Street Suite 3800<br>Chicago, IL 60602 |             |                      | ART UNIT<br>[REDACTED] | PAPER NUMBER<br>3677 |

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                         |                   |
|------------------------------|-------------------------|-------------------|
| <b>Office Action Summary</b> | Application No.         | Applicant(s)      |
|                              | 09/786,263              | MATHER, ANDREW H. |
|                              | Examiner<br>Thomas Y Ho | Art Unit<br>3677  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 March 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

Claims 6-7, 10, 19-20, and 23 are objected to because of the following informalities: as to claim 6, the name for the subordinate proposal entity, called “at least one second entity” in claim 6 must be changed to differentiate itself from the proposal entity, called “second entity” in claim 1. As to claim 7, applicant recites “another second entity”, and it cannot be determined if this “other second entity” is the same as that claimed in claim 1 from which claim 7 depends. As to claim 10, it is unclear as to what “a plurality of second entities” refers to because only a single second entity is claimed in claim 1 from which claim 10 depends. Claims 19-20 are objected to for similar reasoning, and are identical to claims 6-7. Claim 23 is objected to for similar reasoning as provided for the objection to claim 10. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As to claims 1-27, applicant claims entities that compose a system defined merely by software, or in this case, terms synonymous with software. Furthermore, claims 1-27 appear abstract and the system in the claims does not seem to handle any real world data or provide a practical application. The claims describe a system define by a

collection of entities that may or may not perform a real world function. As to claim 28, applicant recites a method of programming a computer, but never recites a computer readable medium, and only recites an abstract collection of entities that has no recited real world function. Furthermore, in claim 28, it is unclear as to what is “generating” the entities, and because it is well known that humans write programs, it appears applicant is using a human as a part of a system to program and generate entities. Claims 29-31 depend from claims 1-28, and are likewise rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Levitsky USPN5742932.

As to claim 1, Levitsky discloses a transactional computer system comprising a plurality of entities including at least one entity of each of the following forms: a first entity 80/82 having the properties of identifying a client system (customer account) and uniquely identifying an object (temporary transaction account) in the client system; a second entity 86/88/90 for defining a transaction 90, the second entity being subordinate directly or indirectly to a first entity 80/82 and having the properties of modeling at least one external agent (rx and tx stations) to carry out a transformation 90 in relation to the first entity 80/82; and a third entity 98/100/102/104 capable of communicating with a second entity 86/88/90 and having the properties of defining the types

of decision 98 that may be made, and determining the responses 100/102 in relation to those decisions.

As to claim 2, Levitsky discloses at least one fourth entity 84 subordinate to an associated first entity 80/82, the fourth entity 84 having the properties of uniquely identifying (spreadsheet) the associated first entity, and identifying a particular type of assignment (values to be determined) or transformation to be applied to the first entity 80/82.

As to claim 3, Levitsky discloses the fourth entity 84 also identifies a quantity (value to be determined).

As to claim 4, Levitsky discloses an agent (rx and tx stations) modeled by the second entity 86/88/90 includes at least two parties (host and client) to a transaction.

As to claim 5, Levitsky discloses the second entity 86/88/90 additionally identifies the direction of negotiation between the two parties.

As to claim 6, Levitsky discloses at least one second entity (value) which is subordinate to another second entity 86/88/90, and includes the property of identifying the other second entity to which it is subordinate.

As to claim 7, Levitsky discloses a plurality of associated second entities (values) all of which are directly subordinate to another second entity 86/88/90 and each including the property of identifying the other second entity to which they are subordinate whereby the said associated second entities include quantities which together correspond to the quantity of the said another second entity to which they are subordinate.

As to claim 8, Levitsky discloses the third entity 98/100/102/104 is multidimensional (tables) and contains multidimensional vectors (table values) indicative of values resulting from an associated second entity.

As to claim 9, Levitsky discloses at least one third entity 98/100/102/104 is a partial entity indicating a partial response from a second entity 86/88/90.

As to claim 10, Levitsky discloses at least one further entity 92/94/96 associated with a plurality of second entities 86/88/90 and a single first entity 80/82, and identifying at least a quantity (total value or units).

As to claim 11, Levitsky discloses the system does not validate data input from the system.

As to claim 12, Levitsky discloses the system provides for at least the following functions: (i) creation of a new entity 80/82, (ii) loading a selected entity or entities into a working member of the computer system 86, (iii) incrementing a multidimensional array 88 (spreadsheets are multidimensional arrays), (iv) retrieving a value 90 from an entity, and (v) advising the client system of an event 112.

As to claim 13, Levitsky discloses a transactional computer system comprising a plurality of entities including at least one entity of each of the following forms: a first entity 80/82 having the properties of identifying a client system and uniquely identifying an object in that client system; a second entity 86/88/90 for defining a transaction 90, the second entity being subordinate to a first entity and having the properties of (i) modeling at least one external agent (rx and tx) to carry out a transformation (88 to 90) in relation to the first entity 80/82, and (ii) uniquely identifying the associated first entity 80/82, and identifying a particular type of

assignment (value) or transformation to be applied to the first entity; and a third entity 98/100/102/104 capable of communicating with a second entity 86/88/90 and having the properties of defining the types of decision 98 that may be made, and determining the responses 100/102 in relation to those decisions.

As to claim 14, Levitsky discloses a transactional computer system comprising: first means defining a first entity 80/82 having the properties of identifying a client system (customer account) and uniquely identifying an object (transaction account) in that client system; second means defining a second entity 86/88/90 for defining a transaction, the second entity being subordinate directly or indirectly to a first entity 80/82 and having the properties of modeling at least one external agent (rx and tx) to carry out a transformation (88 to 90) in relation to the first entity 80/82; and third means defining a third entity 98/100/102/104 capable of communicating with means defining a second entity 86/88/90 and having the properties of defining the types of decision 98 that may be made, and determining the responses 100/102 in relation to those decisions.

As to claim 15, Levitsky discloses at least one fourth means defining a fourth entity 84 subordinate to an associated first entity 80/82, the fourth entity having the properties of uniquely identifying the associated first entity, and identifying a particular type of assignment (value) or transformation to be applied to the first entity.

As to claim 16, Levitsky discloses the fourth entity 84 also identifies a quantity (value to be determined).

As to claim 17, Levitsky discloses an agent modeled by means defining the second entity 86/88/90 includes at least two parties (host and client) to a transaction.

As to claim 18, Levitsky discloses the means defining a second entity 86/88/90 additionally identifies the direction of negotiation between the parties.

As to claim 19, Levitsky discloses at least one means defining a second entity (values to be determined) which is subordinate to another second entity 86/88/90, and includes the property of identifying the other second entity to which it is subordinate.

As to claim 20, Levitsky discloses a plurality of means defining associated second entities (rx and tx, or values to be determined) all of which are directly subordinate to another second entity 84/86/88 and each including the property of identifying the other second entity to which they are subordinate whereby the said associated second entities include quantities which together correspond to the quantity of the said another second entity to which they are subordinate.

As to claim 21, Levitsky discloses the third entity 98/100/102/104 is multidimensional (tables) and contains multidimensional vectors (columns and rows) indicative of values resulting from an associated second entity (value in 86).

As to claim 22, Levitsky discloses at least one third entity 98/100/102/104 is a partial entity indicating a partial response from a second entity 86/88/90.

As to claim 23, Levitsky discloses at least one means defining a further entity 92/94/96 associated with a plurality of second entities (values in 86) and a single first entity 80/82, and identifying at least a quantity (total value).

As to claim 24, Levitsky discloses the system does not validate data input into the system.

As to claim 25, Levitsky discloses the system provides for at least the following functions: (i) creation of a new entity 80/82, (ii) loading a selected entity or entities 86 into a working memory of the computer system, (iii) incrementing a multidimensional array (spreadsheet), (iv) retrieving a value from an entity 92, and (v) advising the client system of an event 112.

As to claim 26, Levitsky discloses a transactional computer system comprising: first means defining a first entity 80/82 having the properties of identifying a client system and uniquely identifying an object (account) in that client system; second means defining a second entity 86/88/90 for defining a transaction, the second entity being subordinate to a first entity 80/82 and having the properties of (i) modeling at least one external agent (rx and tx) to carry out a transformation (88 to 90) in relation to the first entity 80/82, and (ii) uniquely identifying the associated first entity, and identifying a particular type of assignment (value) or transformation to be applied to the first entity 80/82; and third means defining a third entity 98/100/102/104 capable of communicating with means defining a second entity 86/88/90 and having the properties of defining the types of decision 98 that may be made, and determining the responses in relation to those decisions.

As to claim 27, Levitsky discloses a computer system arranged to operate in accordance with a protocol, wherein the protocol causes the computer to generate a plurality of entities including at least one entity of each of the following forms: a first entity 80/82 having the properties of identifying a client system (customer account) and uniquely identifying an object (temporary transaction account) in that client system; a second entity 86/88/90 for defining a transaction, the second entity being subordinate directly or indirectly to a first entity 80/82 and

having the properties of modeling at least one external agent (rx and tx) to carry out a transformation (88 to 90) in relation to the first entity 80/82; and a third entity 98/100/102/104 capable of communicating with a second entity 86/88/90 and having the properties of defining the types of decision 98 that may be made, and determining the responses 100/102 in relation to those decisions.

As to claim 28, Levitsky discloses a method of programming a computer (it is inherent in Levitsky that the program in the computer is programmed), comprising the steps of: generating a first entity 80/82 having the properties of identifying a client system (customer account) and uniquely identifying an object (temp. transaction account) in that client system; generating a second entity 86/88/90 for defining a transaction, the second entity being subordinate directly or indirectly to a first entity 80/82 and having the properties of modeling at least external agent (rx and tx) to carry out a transformation (88 to 90) in relation to the first entity 80/82; and generating a third entity 98/100/102/104 capable of communicating with a second entity 86/88/90 and having the properties of defining the types of decision 98 that may be made, and determining the responses 100/102 in relation to those decisions.

As to claim 29, Levitsky discloses a computer program product (inherent to Levitsky) directly loadable into the internal memory of a digital computer, and comprising software code portions for causing the computer to become a computer in accordance with claim 1 when the product is run on a computer.

As to claim 30, Levitsky discloses a computer program product (inherent to Levitsky) directly loadable into the internal memory of a digital computer, and comprising software code

portions for causing the computer to become a computer in accordance with claim 1 when the product is run on a computer.

As to claim 31, Levitsky discloses a computer program product (inherent to Levitsky) directly loadable into the internal memory of a digital computer, and comprising software code portions for causing the computer to become a computer in accordance with claim 1 when the product is run on a computer.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN4412287 to Braddock discloses an automated stock exchange.

USPN5319544 to Schmerer discloses a computerized inventory system.

USPN5553143 to Ross discloses a method for electronic licensing.

USPN5794207 to Walker discloses a method and apparatus for purchase offers.

USPN5794212 to Mistr discloses a system and method for providing communications.

USPN5873071 to Ferstenberg discloses a computer method and system for exchange of commodities.

USPN6073124 to Krishnan discloses a method and system for securely incorporating electronic information.

USPN6085178 to Bigus discloses an apparatus and method for communicating disguised messages.

USPN6192131 to Geer discloses enabling business transactions in computer networks.

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USPN6236972 to Shkedy discloses a method and apparatus for facilitating transactions on a commercial network system.

USPN6243691 to Fisher discloses a method and system for processing and transmitting electronic auction information.

USPN6266640 to Fromm discloses a data network with voice verification means.

USPN6330551 to Burchetta discloses a computerized dispute resolution system and method.

USPN6385594 to Lebda discloses a method and computer network for coordinating a loan over the internet.

USPN6418415 to Walker discloses a system and method for aggregating multiple buyers using CPOS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH

  
J. J. SWANN  
SUPFRVISORY PATENT EXAMINER  
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